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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91217930
Party	Defendant 2nd Watch, Inc
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Attachments	Applicant Answer to Notice of Opposition.pdf(156757 bytes)

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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Insight Direct USA, Inc.)	Opposition No.: 91217930
)	
Opposer,)	Serial No.: 86/126,590
)	Mark: 2W INSIGHT
v.)	
)	
2nd Watch, Inc.,)	
)	
Applicant.)	

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

2nd Watch, Inc. (“Applicant”), through its undersigned attorneys, hereby submits this Answer to the Notice of Opposition filed by Insight Direct USA, Inc. (“Opposer”) in the above-mentioned proceeding.

Unless expressly admitted herein, each allegation contained in the Notice of Opposition is denied.

1. Applicant admits that, in publicly available United States Patent & Trademark Office (“USPTO”) records, Opposer is listed as the owner of U.S. Reg. No. 4508474 covering an INSIGHT mark in connection with:

Class 37: *Installation of computer hardware, servers, and networks; maintenance and repair of computer hardware, servers, and networks; and*

Class 42: *Consulting services in the fields of selection and implementation of computer hardware and software systems for others for voice over internet protocol (VOIP) and internet telephony; Consulting services, namely, computer software, hardware, server, network and work station selection, implementation and design for others; computer software, hardware, server and network development; Technical support, namely, testing technological functions of computer hardware, servers and networks; computer services, namely, configuration of*

computer hardware, software, servers and networks; installation of computer software; implementation of computer software; testing and maintenance of computer software; technical support services, namely, troubleshooting of computer hardware and software problems; maintenance of computer software; computer security services, namely, restricting access by computer networks in connection with e-mail, spam, viruses, worms, websites, or other undesired content.

Applicant lacks knowledge or information sufficient to form a belief as to the truth of all other allegations in Paragraph 1 of the Notice of Opposition and on that basis denies those allegations.

2. Applicant admits that, in publicly available USPTO records, Opposer is listed as the owner of U.S. Reg. No. 3690982 covering an INSIGHT mark in connection with:

Class 35: *Distributorship services and computerized on-line retail store services featuring computer hardware and software, computer components and computer accessories and supplies; asset disposal services, namely, assisting in the disposal of computer hardware, software, servers, networks, and workstations; labeling, tagging, and tracking services, namely, monitoring and tracking of computer hardware, software, servers, networks, and workstations; domestic and international pricing services, namely, pricing computer hardware and software, computer components and computer accessories and supplies for others; domestic and international procurement services, namely, purchasing computer hardware and software, computer components and computer accessories and supplies for others;*

Class 39: *Electronic storage of computer data;*

Class 42: *Computer consultation in the field of computer hardware, software, server, network and workstation analyses for performance, access, configuration, compatibility, and connectivity; Leasing of computers, computer components and computer accessories; Leasing of computers, computer components and computer accessories, and supplies, namely, leasing of computers, servers, bridge/routers, hubs, workstations, laptop computers, monitors, computer cabinets and peripherals; Remote computer back-up services; consolidation of computer data,*

namely, electronic manipulation of dispersed data to centralized servers to facilitate efficient data back-up and archiving; and

Class 45: *Licensing of computer software.*

Applicant lacks knowledge or information sufficient to form a belief as to the truth of all other allegations in Paragraph 2 of the Notice of Opposition and on that basis denies those allegations.

3. Applicant admits that, in publicly available USPTO records, Opposer is listed as the owner of U.S. Reg. No. 1940956 covering an ^{Insight} mark in connection with:

Class 42: *Mail order catalog services and retail store services of microcomputers and components, including sound boards, microprocessors, mother boards, memory chips, host adaptors, disk accelerators, controllers, acceleration boards; notebook computers and components, including sound boards, microprocessors, mother boards, memory chips, host adaptors, disk accelerators, controllers, acceleration boards; computer accessories and peripherals; CD-ROM components; software and accessories; printers, accessories and supplies; monitors, both internal and external; scanners; hard drives, both internal and external; floppy drives, both internal and external; tape backup components; data storage and mass storage products; memory systems; power supplies; modems; sound equipment, namely speakers, headphones, microphones and sound cards; multimedia components, namely joysticks, drives, multimedia cards, software, speakers, microphones, video card and monitors, video tapes; PCMCIA cards and jacks; networking modules and products; T-shirts.*

Applicant lacks knowledge or information sufficient to form a belief as to the truth of all other allegations in Paragraph 3 of the Notice of Opposition and on that basis denies those allegations.

4. Applicant admits that, in publicly available USPTO records, Opposer is listed as the owner of U.S. Reg. No. 4396558 covering an INSIGHTCLOUD mark in connection with:

Class 35: *Distributorship services and computerized on-line retail store services featuring computer hardware and software, computer components and computer accessories and supplies; domestic and international price comparison services, namely, pricing computer hardware and software, computer components and computer accessories and supplies for*

others; domestic and international procurement services, namely, purchasing computer hardware and software, computer components and computer accessories and supplies for others;

Class 36: *Financial services, namely, financing services related to computer hardware, software, server, networks, and work stations; underwriting warranty programs in the field of Electronic storage of computer data administration services, namely, processing warranty claims for computer hardware, software, servers, networks and work stations;*

Class 39: *Electronic storage of computer data;*

Class 42: *Computer programming services; design, development, deployment, implementation, analysis, integration, and management of computer software for others; installation, modification, maintenance, and repair of computer software; customization and computer programming services for others in the field of computer software and hardware configuration management; managed information technology services and operations for others, namely, remote and on-site management of virtual infrastructure and cloud computing systems, networking, applications and storage services of others; application service provider services, namely, hosting computer software applications of others; providing temporary use of nondownloadable computer software for managing, testing, and using multiple operating systems; providing temporary use of nondownloadable computer software for managing virtual computing infrastructure, networking and storage; providing temporary use of nondownloadable computer software for creating and maintaining scalable cloud computing applications; leasing and rental of computer software; technical support services, namely, trouble shooting of computer software and computer hardware; consulting services related to virtual infrastructure and the field of cloud computing; computer systems integration services; technical consulting services in the fields of datacenter architecture, public and private cloud computing solutions, and evaluation and implementation of Internet technology and services; technical support services, namely, remote and on-site infrastructure management services for monitoring, administration and management of public and private cloud computing IT and application systems; computer consultation in the field of computer hardware, software, server, network and*

workstation analyses for performance, access, configuration, compatibility, and connectivity; leasing of computers, computer components and computer accessories. leasing of computers, computer components and computer accessories, and supplies, namely, leasing of computers, servers, bridge/routers, hubs, workstations, laptop computers, monitors, computer cabinets and peripherals; remote computer back-up services; consolidation of computer data, namely, electronic manipulation of dispersed data to centralized servers to facilitate efficient data back-up and archiving; and

Class 45: *Licensing of computer software.*

Applicant lacks knowledge or information sufficient to form a belief as to the truth of all other allegations in Paragraph 4 of the Notice of Opposition and on that basis denies those allegations.

5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5 of the Notice of Opposition and on that basis denies those allegations.

6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6 of the Notice of Opposition and on that basis denies those allegations.

7. Applicant admits the allegations in Paragraph 7 of the Notice of Opposition.

8. Applicant denies all allegations in Paragraph 8 of the Notice of Opposition.

9. Applicant denies all allegations in Paragraph 9 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

First Affirmative Defense

1. The Notice of Opposition fails to set forth facts sufficient to entitle Opposer to the relief sought.

Second Affirmative Defense

2. The Notice of Opposition is barred by the doctrines of estoppel.

Third Affirmative Defense

3. The Notice of Opposition is barred by the doctrines of laches.

WHEREFORE, having answered the Notice of Opposition, Applicant prays that the opposition be dismissed.

Dated: November 3, 2015

WILSON SONSINI GOODRICH & ROSATI
A Professional Corporation

By: /Aaron D. Hendelman/
Aaron D. Hendelman
Hillary I. Schroeder

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2nd Watch, Inc.

Please address all communications concerning this proceeding to:

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CERTIFICATE OF SERVICE BY MAIL

I, Elvira Minjarez, declare:

I am employed in Santa Clara County. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304-1050.

I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence would be deposited with the United States Postal Service on this date.

On this date, I served **APPLICANT'S ANSWER TO NOTICE OF OPPOSITION** on each person listed below, by placing the document described above in an envelope addressed as indicated below, which I sealed. I placed the envelope for collection and mailing with the United States Postal Service on this day, following ordinary business practices at Wilson Sonsini Goodrich & Rosati.

Nina Habib Borders
Reed Smith LLP
1510 Page Mill Road
Palo Alto, CA 94304

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Palo Alto, California on November 3, 2015.

/s/ Elvira Minjarez
Elvira Minjarez